

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 825

Introduced by Assembly Member Levine

February 18, 2005

An act to add Chapter 4.1 (commencing with Section 39710) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 825, as amended, Levine. Air resources: binational committee.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution.

This bill would ~~require the state board, in conjunction with the Legislature, to work towards creating a binational committee with Mexico to work on issues relating to air quality, including, but not limited to, the collection and interpretation of data pertinent to air quality and the effects of air quality on human health~~ create the Calexico-Mexicali Air Basin Committee and the San Diego-Tijuana Air Basin Committee in the state board consisting of specified members to work with the California-Baja California Regional Workgroup and San Diego-Tijuana Air Quality Task Force established under the United States-Mexico Environmental Program: Border 2012 for the purposes of developing recommendations for the prevention and control of air pollution in the Calexico-Mexicali Air Basin and the San Diego-Tijuana Air Basin. The bill would require, among other things, each committee, on or before January 1, 2009, to

deliver their recommendations to the appropriate committees of the Legislature and Baja California Legislature. The bill would provide that its provisions would not become operative unless there is adequate participation by specified individuals, as determined by the state board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. The State Air Resources Board, in conjunction with the Legislature, shall work towards creating a binational committee with Mexico to work on issues relating to air quality, including, but not limited to, the collection and interpretation of data pertinent to air quality and the effects of air quality on human health.~~

SECTION 1. Chapter 4.1 (commencing with Section 39710) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 4.1. BINATIONAL COMMITTEES

39710. The Legislature finds and declares all of the following:

(a) Air pollutants in urban areas result in health and environmental damage.

(b) Air pollution flows between the border cities of California and the border cities of Baja California.

(c) The creation of binational joint advisory committees for the San Diego-Tijuana air basin and Calexico-Mexicali air basin to develop and recommend strategies for the prevention and control of air pollution in those basins would be beneficial to the State of California.

39711. For the purposes of this chapter, "air basins" refers to both the San Diego-Tijuana air basin and the Calexico-Mexicali air basin.

39712. (a) (1) There is hereby established in the state board the Calexico-Mexicali Air Basin Committee and the San Diego-Tijuana Air Basin Committee, each consisting of at least

1 *nine members selected and appointed by the Governor, in*
2 *consultation with the chairman of the state board, as follows:*

3 *(A) A representative from the California Environmental*
4 *Protection Agency.*

5 *(B) A representative from the state board.*

6 *(C) A representative from local government in the City of San*
7 *Diego.*

8 *(D) A representative from local government in the City of*
9 *Calexico.*

10 *(E) Five public members, at least two of whom reside in each*
11 *air basin, who are not employed by a federal, state, or local*
12 *governmental entity in the United States.*

13 *(i) At least one of the five public members shall be a*
14 *representative of the private sector.*

15 *(ii) At least one of the five public members shall be a*
16 *representative of a nongovernmental organization, a major*
17 *portion of whose activities concern air pollution.*

18 *(iii) At least one of the five public members shall be a*
19 *representative of the Consulting Council for Sustainable*
20 *Development in the Northern Region.*

21 *(2) It is the intent of the Legislature to request the following*
22 *people to serve as members of the Calexico-Mexicali Air Basin*
23 *Committee:*

24 *(A) A representative from the federal Clean Air Task Force.*

25 *(B) A representative from the United States federal*
26 *government.*

27 *(C) The following ten persons who are citizens of Mexico:*

28 *(i) A representative from the National Institute of Ecology.*

29 *(ii) A representative from the Federal Attorney for*
30 *Environmental Protection of Mexico.*

31 *(iii) A representative from the Office of Health and Welfare of*
32 *Mexico.*

33 *(iv) A representative from an environmental authority in the*
34 *City of Mexicali, Baja California, Mexico.*

35 *(v) A representative from an environmental authority in the*
36 *City of Tijuana, Baja California, Mexico.*

37 *(vi) Five public members, at least two of whom reside in the*
38 *City of Mexicali, who are not employed by a federal, state, or*
39 *local governmental entity of Mexico.*

1 (A) At least one of the five shall be a representative of the
2 private sector.

3 (B) At least one of the five shall be a representative of a
4 nongovernmental organization, a major portion of whose
5 activities concern air pollution.

6 (C) At least one of the five shall be a representative of the
7 academic institution of La Universidad de Baja California.

8 (3) It is the intent of the Legislature to request the following
9 people to serve as members of the San Diego-Tijuana Air Basin
10 Committee:

11 (A) A representative from the federal Clean Air Task Force.

12 (B) A representative from the United States federal
13 government.

14 (C) The following ten persons who are citizens of Mexico:

15 (i) A representative from the National Institute of Ecology.

16 (ii) A representative from the Federal Attorney for
17 Environmental Protection of Mexico.

18 (iii) A representative from the Office of Health and Welfare of
19 Mexico.

20 (iv) A representative from an environmental authority in the
21 City of Tijuana, Baja California, Mexico.

22 (v) A representative from an environmental authority in the
23 City of Mexicali, Baja California, Mexico.

24 (vi) Five public members, at least two of whom reside in the
25 City of Tijuana, who are not employed by a federal, state, or
26 local governmental entity of Mexico.

27 (A) At least one of the five shall be a representative of the
28 private sector.

29 (B) At least one of the five shall be a representative of a
30 nongovernmental organization, a major portion of whose
31 activities concern air pollution.

32 (C) At least one of the five shall be a representative of the
33 academic institution of La Universidad de Baja California.

34 (b) Except as otherwise specified, all appointments to the
35 Calexico-Mexicali Air Basin Committee and the San
36 Diego-Tijuana Air Basin Committee pursuant to subdivision (a)
37 shall be for a period of three years. The initial appointments
38 shall commence January 1, 2007. Of the initial appointments
39 made by the Governor, five shall serve for a term of two years,
40 and four shall serve for a term of one year.

1 (c) Each committee shall meet at least quarterly and at the
2 call of the chairperson. The state board representative shall be
3 the chairperson of the committee. Each committee may establish
4 its own rules and procedures. All members shall serve without
5 compensation. Meetings of each committee shall be open to the
6 public.

7 (d) With respect to members appointed by the Governor, if
8 members with the qualifications specified in paragraph (1) of
9 subdivision (a) are not available for service, other factors such
10 as relevant air pollution expertise and education shall be
11 substituted at the discretion of the chairman of the state board.

12 (e)(1) The committees may work with the California-Baja
13 California Regional Workgroup and the San Diego-Tijuana Air
14 Quality Task Force established under United States-Mexico
15 Environmental Program: Border 2012 for the purposes of
16 developing and presenting recommendations to the California
17 Legislature and the Baja California government relating to
18 strategies for the prevention and control of air pollution in the
19 San Diego-Tijuana and the Calexico-Mexicali air basins. Each
20 committee shall develop recommendations for their air basin
21 that, at a minimum, include the following:

22 (A) Recommendations for the joint development of studies and
23 analyses on air quality monitoring and modeling, and air
24 pollution prevention and abatement strategies in the air basins.

25 (B) Recommendations for exchanges of information on air
26 quality matters such as air quality data, air emissions data, and
27 data on compliance with each state's air standards.

28 (C) Recommendations for technical assistance programs,
29 technology exchanges, and training in areas relevant to
30 preventing and reducing air pollution in the air basin.

31 (D) Recommendations for environmental education and
32 outreach programs for the general public relevant to preventing
33 and reducing air pollution in the air basin.

34 (E) Recommendations for exploring strategies to prevent and
35 reduce air pollution in the air basin, including recommendations
36 on emissions trading and other economic incentives as well as
37 improving the compatibility of air quality programs in the air
38 basin.

39 (F) Recommendations for other air quality improvement issues
40 each committee may deem to be pertinent to the San

1 *Diego-Tijuana air basin or Calexico-Mexicali air basin,*
2 *whichever applicable, and as may be recommended by the*
3 *California Legislature or the government of Baja California.*

4 *(2) The California Legislature and the government of Baja*
5 *California may provide a guidance document to each committee*
6 *detailing more specific subject areas that each committee may*
7 *consider. The guidance document may be updated periodically*
8 *by the California Legislature and the government of Baja*
9 *California. The updated guidance document may include*
10 *analyses of the estimated costs and possible financial sources to*
11 *implement recommendations made by each committee and the*
12 *availability of technology and training necessary to implement*
13 *recommendations made by each committee.*

14 *(f) On or before January 1, 2009, each committee shall deliver*
15 *its recommendations to the appropriate committees of the*
16 *California Legislature and Baja California Legislature.*

17 *(g) Each committee may deliver its recommendations to the*
18 *California-Baja California Regional Workgroup and the San*
19 *Diego-Tijuana Air Quality Task force, respectively, for its*
20 *consideration.*

21 *39713. This chapter shall not become operative unless there*
22 *is adequate participation by the individuals listed in paragraphs*
23 *(2) and (3) of subdivision (a) of Section 39712, as determined by*
24 *the state board.*